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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/100,671	06/19/1998	JEFFREY MARK ZUCKER	19010.715	8812
27683	7590	08/11/2004		
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			EXAMINER RETTA, YEHDEGA	
			ART UNIT 3622	PAPER NUMBER

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/100,671	Applicant(s) ZUCKER ET AL.	
	Examiner Yehdega Retta	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 70-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 70-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed July 8, 2004. Claims 48-69 are now cancelled and new claims 70-92 are added. Claims 70-92 are now pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 70-86 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 70 recites, payment key associated with financial information, the financial information configured to include an identification of a financial institution, to include identifier for a pseudo credit account and to include pseudo expiration date for the pseudo credit account. Applicant's specification discloses "pseudo payment identity" or "pseudo payment type", however does not disclose "payment key" associated with financial information that includes an identification of a financial institution and identifier for a pseudo credit account, to facilitate a purchase. In order for the Examiner to properly examine the claim, Applicant is required to clearly claim what he/she considers his/her invention. In light of the specification it not clear what is consider the "payment key". Clarification is required. For the purpose of examining the claims Examiner considers the payment key as a "pseudo payment", which could be a pseudo credit or debit or checking account in which the account is used for payment.

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 70-92 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 70, recites "configuring the financial information to include an identification of a financial institution, to include an identifier of a pseudo credit account and to include a pseudo expiration data of the pseudo credit account.

Claims 76, 87-92 recited identifier for the pseudo credit account.

The specification teaches the financial institution creating of a payment detail including payment card number, card name and expiration data for payment type and then the financial institution assigning a valid but pseudo payment identity comprising of a pseudo number, pseudo name, pseudo expiration data for each the payment type. The institution also creates a pseudo identity made up of buyer ID, fictitious street address, actual city, state and zip code. The specification however does not teach a financial information including an identification of a financial institution. It is also not clear whether the identifier for the pseudo credit account is the pseudo number itself, since the specification does not indicate a different number for the pseudo account beside the pseudo account itself. Therefore the claim contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the

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relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. For the purpose of examining the claims Examiner consider the pseudo account being the identifier itself for the actual account.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 70-92 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gabber et al. U.S. Patent No. 5,961,593.

Regarding claims 70-72, 77, 78 and 80 Gabber teaches establishing a pseudo payment associated with financial information to facilitated purchase, wherein the pseudo payment includes pseudo credit account, pseudo expiration data; pseudo identity, providing the pseudo payment to seller and charging the real account of the user;

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establishing the pseudo identity at a privacy server; (see col. 8 lines 18-62, col. 10 lines 22-65, col. 11 line 54 to col. 13 line 53).

Regarding claims 73-75 Gabber teaches establishing pseudo identity at proxy different from the central proxy when the user might not trust the central proxy (see col. 13 lines 27-53).

Claims 87, 88, 90 and 91 are rejected as stated above in claims 70-72, 77 and 78.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 76, 79, 89 and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabber further in view Official Notice.

Regarding claims 76, 79, 89 and 92, Gabber does not explicitly teach single use of credit account and identifying two actual payment type and establishing at a rule set defining when to use the each of the payment type. Official notice is taken that is well known in the art of e-commerce to set rules to define the use of accounts. Financial institutions allow account for single transaction or limited transaction or for specific use or transaction. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to include such rules in order to minimize fraud or misuse of credit cards.

Claims 81-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabber further in view Boies et al.

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Regarding claim 81-86, Boies teaches arranging an entity for delivering a product to recipient for the seller and withholding from the seller information that would permit the seller to determine the actual identity of the buyer; generating a code; transferring the item based on the code... (see fig 2A-2C and col. 2 line 1 to col. 3 line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Gabber's anonymous purchase with Boies's anonymous shipment system. One would be motivated to use Boies' shipping system for the purpose of providing a complete anonymity by protecting the identity of the buyer from the seller, as taught by Boies.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Walker US. Patent No. 6,193,155 teaches issuing a gift certificate drawn on a credit or other financial account.

De Rooij U.S. Patent No. 5,924,084 teaches anonymous payment system.

Micali U.S. Patent No. 5,812,670 teaches traceable anonymous transactions.

Strategic direction in electronic commerce and digital libraries: Towards a digital agora; Nabil Adam, Yelena Yesha, ACM Computing Surveys; Baltimore; Dec 1996; Vol. 28, Iss. 818, 18 pgs.

Information economics and libraries in the digital age; Ray, Philip M., The Bottom Line, Bradford: 1996, Vol. 9, pg. 29.

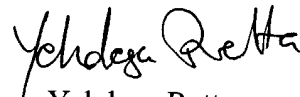
Token and Notational Money in Electronic Commerce; L. Jean Camp, Marvin Sirbu, J.D. Tygar; Carnegie Mellon University Pittsburgh, Pennsylvania.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yehdega Retta
Primary Examiner
Art Unit 3622

YR